**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF INDIANA**
**INDIANAPOLIS DIVISION**

| | | |
|---|---|---|
| UNITED STATES OF AMERICA and STATE OF INDIANA ex rel. JUDITH ROBINSON,<br><br>Relator,<br><br>v.<br><br>INDIANA UNIVERSITY HEALTH, INC., and HEALTHNET, INC.,<br><br>Defendants. | ) | Case No. 1:13-cv-2009-TWP-MJD |

**EIGHTH JOINT REPORT ON THE STATUS OF DISCOVERY**

Pursuant to this Court's order dated August 23, 2016, Relator Dr. Judith Robinson ("Relator") and Defendants Indiana University Health, Inc. ("IU Health") and HealthNet, Inc. ("HealthNet") (collectively, "Defendants") hereby file this Joint Report on the Status of Discovery. The same attorneys identified in the Parties' January 20, 2016 status report remain responsible for the completion of discovery as to their respective clients.

## I. Discovery Completed in Preceding 28 Days

IU Health and Relator continue to negotiate with regard to search terms for documents responsive to Relator's Second Request for Production. Relator's initial proposed search terms returned several hundred thousand documents, a significant number of which IU Health believed to be false hits. After several rounds of negotiation, IU Health and Relator have reduced the number of returns significantly, and IU Health will begin searching collected data this week. IU

Health has agreed to add six custodians, and has also agreed to conduct a limited search on one additional custodian.

HealthNet made its thirteenth production of documents responsive to Relator's Second Request for Production on September 23, 2016. HealthNet and Relator have agreed on some search terms for responsive documents and continue to negotiate with regard to others. Relator's initial proposed search terms returned thousands of documents, a significant number of which HealthNet believed to be false hits. Additionally, HealthNet custodians have searched and provided responsive documents for those Requests for Production for which search terms were not requested.

Relator deposed Martha Allen, formerly an employee of IU Health, on September 1, 2016.

## II. Discovery Scheduled or Pending

The only discovery presently scheduled is Defendants' continued production of documents in response to Relator's Second Requests for Production.

## III. Discovery Disputes

The Parties have no discovery disputes to bring before the Court at this time.

## IV. Discovery Planned to be Completed in the Next 28 Days

IU Health is continuing to review potentially responsive documents in response to Relator's Second Request for Production, and will continue to make the production of responsive documents on a rolling basis. IU Health anticipates making its next production this week.

HealthNet is continuing to review potentially responsive documents in response to Relator's Second Request for Production, and will continue to make the production of responsive documents on a rolling basis. HealthNet anticipates making another production of documents once HealthNet and Relator have agreed on additional search terms.

Relator intends to serve Interrogatories on both Defendants and may serve Requests for Admission as well.

## V. Description of All Known Discovery Remaining to be Completed

Defendants are currently preparing to serve several third-party subpoenas as well as additional Interrogatories on Relator. Defendants may serve additional Interrogatories, additional Requests for Production, or additional third-party subpoenas if necessary as discovery continues.

In addition to resolving the search terms and obtaining responsive production as described above, Relator anticipates conducting the following discovery before the close of the discovery period: (1) Take depositions of some or all of the following individuals: Don Trainor, Jimmy Brown, Booker Thomas, Sam Odle, Elvin Plank, Larry Flick, James Terwilliger, Ryan Kitchell, Dan Evans (as to Avondale project), Syd Arak (as to non-privileged information), additional state 30(b)(6) witnesses, and/or representatives from MDwise/Anthem/MHS; (2) Conduct cooperative witness and victim interviews; (3) Potentially retain expert(s) for statistical sampling and/or patient file analysis; (4) Serve additional Interrogatories on both Defendants; (5) Serve Requests for Admissions on both Defendants; and (6) Produce any additional responsive documents, if any are discovered, consistent with obligation to supplement pursuant to Federal Rules of Civil Procedure.

Given the nature of this case, Relator expects that issues will continue to arise which may require additional discovery to resolve. For example, information in Defendant's document production may cause Relator to need to take additional depositions of persons not yet identified or seek more production from either or both Defendants. For this reason, Relator may need to amend, add to, or substantially alter this list as the case continues to develop.

## VI. Other Discovery Issues

The Parties have no other discovery issues to bring before the Court at this time.

Respectfully submitted this 26th day of September, 2016,

s/ Jillian L. Estes (by permission)
Jillian L. Estes (admitted *pro hac vice*)
Christopher C. Casper (admitted *pro hac vice*)
JAMES HOYER, P.A.
4830 W Kennedy Blvd
One Urban Center, Suite 550
Tampa, FL 33609
813-397-2300
Fax: 813-397-2310
ccasper@jameshoyer.com
jestes@jameshoyer.com

Christopher Jayson (admitted *pro hac vice*)
JAYSON FARTHING SKAFIDAS & WRIGHT, P.A.
Lincoln Center
5401 West Kennedy Blvd., Suite 600
Tampa, FL 33609
813-321-1111
Fax: 813-321-1112
cjayson@jfswlaw.com

Robert E. Saint (# 1566-49)
EMSWILLER WILLIAMS NOLAND & CLARKE
8500 Keystone Crossing, Suite 500
Indianapolis, IN 46240
317-257-8787
Fax: 317-257-9042
rsaint@ewnc-law.com

W. William Hodes (admitted *pro hac vice*)
THE WILLIAM HODES LAW FIRM
811 Chapman Loop

s/ Emmett E. Robinson
Stephen G. Sozio (admitted *pro hac vice*)
Emmett E. Robinson (admitted *pro hac vice*)
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114-1190
216-586-3939
Fax: 216-579-0212
sgsozio@jonesday.com
erobinson@jonesday.com

Heather M. O'Shea (admitted *pro hac vice*)
JONES DAY
77 West Wacker Chicago, IL 60601-1692
312-269-4009
Fax: 312-782-8585
hoshea@jonesday.com

Alan L. McLaughlin (#10182-49)
LITTLER MENDELSON, P.C.
111 Monument Circle, Suite 702
Indianapolis, IN 46204
317-287-3600
Fax: 317-636-0712
amclaughlin@littler.com

*Attorneys for Defendant Indiana University Health, Inc. f/k/a Clarian Health Partners, Inc.*

Village of Hemingway
Lady Lake, FL 32162
317-577-1410
Fax: 317-577-1430
wwh@hodeslaw.com

*Attorneys for Relator*
*Judith Robinson*

s/ Lauren C. Sorrell (by permission)
Marc T. Quigley (#21054-53)
Thomas J. Costakis (#4314-49)
Deborah J. Daniels (#4378-49)
Lauren C. Sorrell (#30895-49)
KRIEG DeVAULT LLP
One Indiana Square, Suite 2800
Indianapolis, Indiana 46204-2079
317-636-4341
Fax: 317-636-1507
mquigley@kdlegal.com
tcostakis@kdlegal.com
ddaniels@kdlegal.com
lsorrell@kdlegal.com

*Attorneys for Defendant HealthNet, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically on this 26th day of September, 2016, and is available to all parties of record through the Court's electronic filing system.

s/ Emmett E. Robinson